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(Original Signature of Member)

116TH CONGRESS  
1ST SESSION

**H. R.** \_\_\_\_\_

To amend the Toxic Substances Control Act to prohibit the manufacture, processing, and distribution in commerce of asbestos and asbestos-containing mixtures and articles, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

Ms. BONAMICI introduced the following bill; which was referred to the  
Committee on \_\_\_\_\_

\_\_\_\_\_  
**A BILL**

To amend the Toxic Substances Control Act to prohibit the manufacture, processing, and distribution in commerce of asbestos and asbestos-containing mixtures and articles, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Alan Reinstein Ban  
5       Asbestos Now Act of 2019”.

1 **SEC. 2. ASBESTOS BAN AND REPORTING.**

2 Section 6 of the Toxic Substances Control Act (15  
3 U.S.C. 2605) is amended by adding at the end the fol-  
4 lowing:

5 “(k) ASBESTOS.—

6 “(1) PROHIBITION OF MANUFACTURE, PROC-  
7 ESSING, AND DISTRIBUTION IN COMMERCE.—Effec-  
8 tive one year after the date of enactment of this sub-  
9 section, no person may manufacture, process, or dis-  
10 tribute in commerce asbestos or any mixture or arti-  
11 cle containing asbestos.

12 “(2) EXEMPTION FOR NATIONAL SECURITY  
13 REASONS.—

14 “(A) IN GENERAL.—The President may,  
15 upon application, grant any person an exemp-  
16 tion from the prohibition under paragraph (1)  
17 once for the manufacture, processing, or dis-  
18 tribution in commerce of asbestos or any mix-  
19 ture or article containing asbestos only if the  
20 President determines that—

21 “(i) the manufacture, processing, or  
22 distribution in commerce of asbestos or  
23 any mixture or article containing asbestos  
24 by the person is necessary to protect the  
25 national security interests of the United  
26 States; and

1           “(ii) no feasible alternative to the  
2           manufacture, processing, or distribution in  
3           commerce of asbestos or any mixture or  
4           article containing asbestos exists for the  
5           intended use.

6           “(B) DURATION.—

7                 “(i) IN GENERAL.—The period of an  
8           exemption granted under subparagraph  
9           (A) shall not exceed 3 years.

10                “(ii) EXTENSION.—The President  
11           may, in accordance with subparagraph (A),  
12           extend an exemption granted under such  
13           subparagraph once, for a period not to ex-  
14           ceed 3 years.

15           “(C) TERMS AND CONDITIONS.—An ex-  
16           emption granted under this paragraph (includ-  
17           ing an extension thereof) shall include such  
18           terms and conditions as are necessary to  
19           achieve maximum practicable reduction in expo-  
20           sure to asbestos.

21           “(D) PUBLICATION.—

22                 “(i) APPLICATIONS.—Not later than  
23           30 days after receipt of an application for  
24           an exemption under this paragraph (in-  
25           cluding an extension thereof), the Presi-

1 dent shall publish the application in the  
2 Federal Register.

3 “(ii) EXEMPTIONS.—Not later than  
4 30 days after granting an exemption under  
5 this paragraph (including an extension  
6 thereof), the President shall publish in the  
7 Federal Register notice of the exemption  
8 and the terms and conditions included  
9 under subparagraph (B).

10 “(E) APPLICATION OF WAIVER AUTHOR-  
11 ITY.—Notwithstanding section 22, the Adminis-  
12 trator may not issue a waiver under such sec-  
13 tion with respect to asbestos.

14 “(3) REPORTS.—

15 “(A) TIMING AND COVERAGE.—

16 “(i) PREVIOUS ACTION.—Not later  
17 than 120 days after the date of enactment  
18 of this subsection, any person who has  
19 manufactured, processed, or distributed in  
20 commerce asbestos or any mixture or arti-  
21 cle containing asbestos in the 36 months  
22 preceding such date of enactment shall  
23 submit to the Administrator a report de-  
24 scribed in subparagraph (B).

1           “(ii) LATER ACTION.—Any person  
2           manufacturing, processing, or distributing  
3           in commerce asbestos or any mixture or  
4           article containing asbestos during the pe-  
5           riod that begins on the date of enactment  
6           of this subsection and ends on the date on  
7           which the prohibition under paragraph (1)  
8           takes effect shall submit to the Adminis-  
9           trator a report described in subparagraph  
10          (B) not later than 60 days after—

11                 “(I) the date of enactment of this  
12                 subsection, for any person who has  
13                 manufactured, processed, or distrib-  
14                 uted in commerce asbestos or any  
15                 mixture or article containing asbestos  
16                 before such date of enactment; or

17                 “(II) the date on which the per-  
18                 son initiates any such manufacture,  
19                 processing, or distribution in com-  
20                 merce, for any person initiating such  
21                 manufacturing, processing, or dis-  
22                 tribution in commerce on or after  
23                 such date of enactment.

24           “(iii) REPORTS DURING EXEMPTED  
25          PERIOD.—Any person granted an exemp-

1           tion under paragraph (2) shall submit to  
2           the Administrator a report described in  
3           subparagraph (B) not later than 27  
4           months after—

5                       “(I) the exemption is granted;  
6                       and

7                       “(II) the exemption is extended,  
8                       if applicable.

9           “(B) CONTENTS.—Each report submitted  
10          under subparagraph (A) shall include—

11                      “(i) the name and address of the per-  
12                      son submitting the report;

13                      “(ii) the name, title, and contact in-  
14                      formation of an authorized representative  
15                      of the person submitting the report;

16                      “(iii) the location of the facility or fa-  
17                      cilities where the manufacture, processing,  
18                      or distribution in commerce of asbestos or  
19                      mixtures or articles containing asbestos  
20                      has occurred, or will occur, during the re-  
21                      porting period;

22                      “(iv) a description of the manufac-  
23                      ture, processing, or distribution activity  
24                      during the reporting period of the person  
25                      submitting the report, and the intended

1 and known uses of asbestos and each mix-  
2 ture or article containing asbestos by that  
3 person and all other persons to whom the  
4 asbestos, mixture, or article is sold or oth-  
5 erwise distributed in commerce;

6 “(v) the amount of asbestos, and the  
7 amount and concentration of asbestos in  
8 any mixture or article containing asbestos,  
9 that is manufactured, processed, or distrib-  
10 uted in commerce, or expected to be manu-  
11 factured, processed, or distributed in com-  
12 merce, by the person during the reporting  
13 period;

14 “(vi) reasonable estimates of the  
15 amount of asbestos to be disposed of as a  
16 result of the reported manufacture, proc-  
17 essing, or distribution activities, and the  
18 manner of such disposal; and

19 “(vii) reasonable estimates of—

20 “(I) the number of individuals  
21 who, as a result of the reported manu-  
22 facture, processing, and distribution  
23 activities—

1                   “(aa) have been exposed to  
2                   asbestos or mixtures or articles  
3                   containing asbestos; and

4                   “(bb) will be so exposed; and

5                   “(II) the nature, duration, fre-  
6                   quency, and levels of any such expo-  
7                   sure.

8                   “(C) REPORTING PERIOD.—For purposes  
9                   of subparagraph (B), the reporting period for a  
10                  report submitted under—

11                  “(i) subparagraph (A)(i) shall be the  
12                  period that begins on the date that is 36  
13                  months prior to the date of enactment of  
14                  this subsection and ends on the date of en-  
15                  actment of this subsection;

16                  “(ii) subparagraph (A)(ii) shall be the  
17                  period that begins on the date of enact-  
18                  ment of this subsection and ends on the  
19                  date on which the prohibition under para-  
20                  graph (1) takes effect;

21                  “(iii) subparagraph (A)(iii)(I) shall be  
22                  the period that begins on the date on  
23                  which an exemption is granted under para-  
24                  graph (2) and ends on the date such ex-



1           emption expires (not including an exten-  
2           sion thereof); and

3           “(iv) subparagraph (A)(iii)(II) shall  
4           be the period that begins on the date on  
5           which an exemption is extended under  
6           paragraph (2) and ends on the date such  
7           extension expires.

8           “(D) REPORTING FORMS AND INSTRUCTIONS.—Not later than 30 days after the date  
9           of the enactment of this subsection, the Admin-  
10          istrator shall publish a notice in the Federal  
11          Register that provides instructions for reporting  
12          under this paragraph and a form or forms for  
13          use by persons submitting reports under this  
14          paragraph.  
15

16          “(E) AVAILABILITY.—Not later than 3  
17          months after a report is submitted under sub-  
18          paragraph (A), the Administrator shall make  
19          such report available to the public.

20          “(F) SUMMARY AND ANALYSIS.—Not later  
21          than 180 days after a report is submitted under  
22          subparagraph (A), the Administrator shall  
23          make available to the public a summary and  
24          analysis of the information such report con-  
25          tains.

1 “(4) DEFINITIONS.—In this subsection:

2 “(A) ASBESTOS.—The term ‘asbestos’  
3 means—

4 “(i) the asbestiform varieties of  
5 chrysotile, actinolite, amosite,  
6 anthophyllite, crocidolite, richterite,  
7 winchite, and tremolite; and

8 “(ii) the non-asbestiform varieties of  
9 richterite and winchite.

10 “(B) DISTRIBUTE IN COMMERCE.—The  
11 terms ‘distribute in commerce’ and ‘distribution  
12 in commerce’ have the meaning given the terms  
13 in section 3(5), but, notwithstanding such sec-  
14 tion 3(5), do not include, with respect to asbes-  
15 tos—

16 “(i) end-use of a mixture or article  
17 containing asbestos and installed in a  
18 building or other structure before the date  
19 of enactment of this subsection; or

20 “(ii) distribution of a mixture or arti-  
21 cle containing asbestos solely for the pur-  
22 pose of disposal of the mixture or article in  
23 compliance with applicable Federal, State,  
24 and local requirements.

1                   “(C) MIXTURE OR ARTICLE CONTAINING  
2                   ASBESTOS.—The term ‘mixture or article con-  
3                   taining asbestos’ includes a mixture or article in  
4                   which asbestos is present as an impurity.”.

5   **SEC. 3. LEGACY ASBESTOS: REPORT AND RECOMMENDA-**  
6                   **TIONS.**

7           (a) REPORT.—Not later than 18 months after the  
8   date of the enactment of this Act, the Administrator of  
9   the Environmental Protection Agency, in consultation  
10 with the Secretary of Health and Human Services and the  
11 Secretary of Labor, shall prepare and submit to Congress  
12 a report assessing—

13           (1) the presence of asbestos in residential, com-  
14           mercial, industrial, public, and school buildings; and

15           (2) the extent of exposure and risk to human  
16           health associated with the asbestos present in such  
17           buildings from all commercial, industrial, and con-  
18           sumer activities that may result in asbestos expo-  
19           sure.

20           (b) CONTENTS.—The report required under sub-  
21   section (a) shall be based upon the best available informa-  
22   tion, and information that can feasibly be obtained  
23   through surveys or other means, and shall provide the fol-  
24   lowing:

1           (1) An estimate of the number of residential,  
2           commercial, industrial, public, and school buildings  
3           where asbestos is present.

4           (2) An estimate of the amount of asbestos in  
5           such buildings and the portion of such asbestos that  
6           is friable.

7           (3) A description of the types of building com-  
8           ponents and systems containing asbestos in such  
9           buildings and the categories of mixtures and articles  
10          containing asbestos that are present, such as ther-  
11          mal insulation, roofing materials, asbestos cement  
12          pipe, and asbestos cement sheet.

13          (4) For each category of building, an estimate  
14          of the number of people potentially exposed to asbes-  
15          tos, the conditions and activities with the greatest  
16          potential for exposure, and estimates of the levels of  
17          exposure.

18          (5) A description of the role of handling, main-  
19          tenance, and construction practices in creating expo-  
20          sure to asbestos and the impact of building aging on  
21          the potential for asbestos exposure.

22          (6) An estimate of the amount of asbestos  
23          waste generated from building renovation, repair,  
24          and demolition for each of the last 5 years and the

1 procedures that are utilized for the handling, trans-  
2 port, and disposal of such waste.

3 (c) RECOMMENDATIONS.—

4 (1) IN GENERAL.—The report submitted under  
5 subsection (a) shall contain—

6 (A) an assessment of the sufficiency of ex-  
7 isting statutes, regulations, policies, and pro-  
8 grams, implemented by the Environmental Pro-  
9 tection Agency, the Department of Labor, and  
10 other agencies, in protecting against exposures  
11 to legacy asbestos; and

12 (B) recommendations for modifications or  
13 additions to such statutes, regulations, policies,  
14 and programs, as necessary to reduce or elimi-  
15 nate risks to human health.

16 (2) INCLUSIONS.—Recommendations under  
17 paragraph (1)(B) may include recommendations for  
18 new, additional, or modified statutes, regulations,  
19 policies, or programs for—

20 (A) the inspection of buildings to deter-  
21 mine the presence and condition of asbestos;

22 (B) inventorying the presence and condi-  
23 tion of asbestos in buildings;

24 (C) removal of asbestos from buildings;

1 (D) handling asbestos during building  
2 maintenance, repair, demolition, and other com-  
3 mercial and industrial activities with the poten-  
4 tial for asbestos exposure; and

5 (E) disposal of asbestos-containing waste  
6 and debris.

7 (d) EFFECT ON EXISTING LAW.—Compliance with  
8 this section shall not relieve the Administrator of the Envi-  
9 ronmental Protection Agency, the Secretary of Health and  
10 Human Services, or the Secretary of Labor, of any other  
11 obligation arising under this Act or any other law.

12 (e) DEFINITION OF ASBESTOS.—In this section, the  
13 term “asbestos” means—

14 (1) the asbestiform varieties of chrysotile, actin-  
15 olite, amosite, anthophyllite, crocidolite, richterite,  
16 winchite, and tremolite; and

17 (2) the non-asbestiform varieties of richterite  
18 and winchite.